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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Elkino Dawkins, Sr,
10 Plaintiff,

11 v.
12 Arizona Department of Economic Security,
13 Defendant.
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No. CV-24-00237-TUC-RM (MSA)

ORDER

15 In an Order dated August 8, 2024, Magistrate Judge Maria S. Aguilera screened
16 Plaintiff's pro se Complaint pursuant to 28 U.S.C. § 1915(e)(2)(B). (Doc. 9.) Judge
17 Aguilera found that Plaintiff did not allege sufficient facts to establish this Court's subject
18 matter jurisdiction or to state a claim for relief. (*Id.*) Judge Aguilera dismissed the
19 Complaint but granted Plaintiff until September 9, 2024, to file a first amended complaint.
20 (*Id.*)¹

21 On September 23, 2024, after Plaintiff failed to file an amended pleading, Judge
22 Aguilera issued a Report and Recommendation recommending that this Court affirm the
23 dismissal of Plaintiff's Complaint and dismiss this case without prejudice. (Doc. 10.) No
24 objections to the Report and Recommendation were filed, and Plaintiff has not
25 communicated with the Court in any other way.

26 A district judge must "make a de novo determination of those portions" of a
27 magistrate judge's "report or specified proposed findings or recommendations to which

28 ¹ Judge Aguilera advised Plaintiff that she would recommend dismissal of this case if he
failed to file an amended pleading. (Doc. 9 at 1, 4.)

1 objection is made.” 28 U.S.C. § 636(b)(1). The advisory committee’s notes to Rule 72(b)
2 of the Federal Rules of Civil Procedure state that, “[w]hen no timely objection is filed, the
3 court need only satisfy itself that there is no clear error on the face of the record in order to
4 accept the recommendation” of a magistrate judge. Fed. R. Civ. P. 72(b) advisory
5 committee’s note to 1983 addition. *See also Johnson v. Zema Sys. Corp.*, 170 F.3d 734,
6 739 (7th Cir. 1999) (“If no objection or only partial objection is made, the district court
7 judge reviews those unobjected portions for clear error.”); *Prior v. Ryan*, CV 10-225-TUC-
8 RCC, 2012 WL 1344286, at *1 (D. Ariz. Apr. 18, 2012) (reviewing for clear error
9 unobjected-to portions of Report and Recommendation).

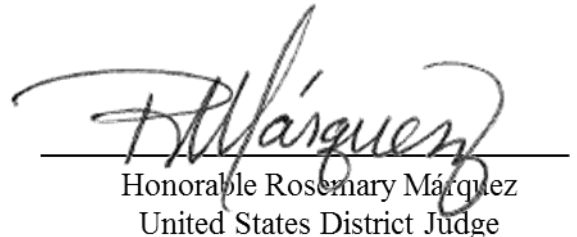
10 The Court has reviewed Magistrate Judge Aguilera’s Report and Recommendation,
11 Plaintiff’s Complaint, and the record. The Court finds no error in Magistrate Judge
12 Aguilera’s Report and Recommendation. Accordingly,

13 **IT IS ORDERED** that the Report and Recommendation (Doc. 10) is **accepted and**
14 **adopted in full.**

15 **IT IS FURTHER ORDERED** that the dismissal (Doc. 9) of Plaintiff’s Complaint
16 (Doc. 1) is **affirmed**. The above-captioned matter is **dismissed without prejudice**. The
17 Clerk of Court is directed to enter judgment accordingly and close this case.

18 Dated this 17th day of December, 2024.

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Honorable Rosemary Márquez
United States District Judge